

Panaji, 4th March, 2004 (Phalguna 14, 1925)

SERIES I No. 49

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Notes I: There is one Supplement and one Extraordinary issue to the Official Gazette Series I No. 48 dated 26-2-2004 as follows:

- (1) Supplement dated 26-2-2004 from pages 1793 to 1796 regarding Bills from Goa Legislature Secretariat.
- (2) Extraordinary dated 2-3-2004 from pages 1797 to 1800 regarding Notifications from Department of Industries, Trade & Commerce and Department of Panchayati Raj and Community Development (Dte. of Pan.).

II: The sub-heading of Department of Urban Development on Official Gazette Series I No. 48 Extraordinary (No.3) dated 23-2-2004 on page 1781 may be corrected to read as "Directorate of Municipal Administration".

GOVERNMENT OF GOA

Department of Finance

Budget Division

Notification

1-27-98/Fin(Bud)/part I

In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, the Governor of Goa hereby makes the following rules so as to further amend the Goa Delegation of Financial Powers Rules, 1997, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Delegation of Financial Powers (Amendment) Rules, 2004.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Amendment of rule 2.*— In rule 2 of the Goa Delegation of Financial Powers Rules, 1997, herein-after called the "Principal Rules" in clause (o), for the expression "and Special Secretaries holding independent charge", the expression "Special Secretaries holding independent charge and Secretary to Governor who shall also be a Secretary to Government holding independent charge in so far as financial matters of Raj Bhavan are concerned" shall be substituted.

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary, Finance (Bud-I).

Panaji, 19th February, 2004.

Notification

1-27-97/Fin(Bud)/Part I(2)

In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, the Governor of Goa hereby makes the following rules so as to amend the Goa Delegation of Financial Powers Rules, 1997, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Delegation of Financial Powers (Amendment) Rules, 2004.

(2) They shall come into force from the date of their publication in the Official Gazette.

II. *Amendment of Annexure-II.*— In Annexure-II appended to the Goa Delegation of Financial Powers Rules, 1997,

(a) for the existing entry at serial number 24, the following entry shall be substituted, namely:— "24. The Director of Industries, Trade and Commerce";

(b) after entry at serial number 70, the following entry shall be inserted, namely:— "71. The Director of Mines".

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary, Finance (Bud-I).

Panaji, 19th February, 2004.

Notification

1-27-97/Fin(Bud)/Part I(1)

In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, the Governor of Goa hereby makes the following rules so as to amend the Goa Delegation

of Financial Powers Rules, 1997, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Delegation of Financial Powers (Amendment) Rules, 2004.

(2) They shall come into force from the date of their publication in the Official Gazette.

II. *Amendment of Annexure-II.*— In Annexure-II appended to the Goa Delegation of Financial Powers Rules, 1997, for the existing entry at serial number 2, the following entry shall be substituted, namely:—

"2. Principal Chief Engineer, Public Works Department"

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary, Finance (Bud-I).

Panaji, 19th February, 2004.

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Department of Law & Judiciary

Legal Affairs Division

Notification

10/3/2003-LA

The Cable Television Networks (Regulation) Amendment Act, 2002 (Central Act No. 2 of 2003), which has been passed by the Parliament and assented to by the President of India on 31-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 1-1-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

**THE CABLE TELEVISION NETWORKS
(REGULATION) AMENDMENT ACT, 2002**

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further to amend the Cable Television Networks (Regulation) Act, 1995.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Cable Television Networks (Regulation) Amendment Act, 2002.

2. *Insertion of new section 4A.*— In the Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as the principal Act), after section 4, the following section shall be inserted, namely:—

'4A. *Transmission of programmes through addressable system, etc.*— (1) Where the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, make it obligatory for every cable operator to transmit or retransmit programme of any pay channel through an addressable system with effect from such date as may be specified in the notification and different dates may be specified for different States, cities, towns or areas, as the case may be.

(2) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, specify one or more free-to-air channels to be included in the package of channels forming basic service tier and any or more such channels may be specified, in the notification, genre-wise for providing a programme mix of entertainment, information, education and such other programmes.

(3) The Central Government may specify in the notification referred to in sub-section (2), the number of free-to-air channels to be included in the package of channels forming basic service tier for the purposes of that sub-section and different numbers may be specified for different States, cities, towns or areas, as the case may be.

(4) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, specify the maximum amount which a cable operator may demand from the subscriber for receiving the programmes transmitted in the basic service tier provided by such cable operator.

(5) Notwithstanding anything contained in sub-section (4), the Central Government may, for the purposes of that sub-section, specify in the notification referred to in that sub-section different maximum amounts for different States, cities, towns or areas, as the case may be.

(6) Notwithstanding anything contained in this section, programmes of basic service tier shall be receivable by any subscriber on the receiver set of a type existing immediately before the commencement of the Cable Television Networks (Regulation) Amendment Act, 2002 without any addressable system attached with such receiver set in any manner.

(7) Every cable operator shall publicise, in the prescribed manner, to the subscribers the subscription rates and the periodic intervals at which such subscriptions are payable for receiving each pay channel provided by such cable operator.

(8) The cable operator shall not require any subscriber to have a receiver set of a particular type to receive signals of cable television network:

Provided that the subscriber shall use an addressable system to be attached to his receiver set for receiving programmes transmitted on pay channel.

(9) Every cable operator shall submit a report to the Central Government in the prescribed form and manner containing the information regarding—

- (i) the number of total subscribers;
- (ii) subscription rates;
- (iii) number of subscribers receiving programmes transmitted in basic service tier or particular programme or set of programmes transmitted on pay channel,

in respect of cable services provided by such cable operator through a cable television network, and such report shall be submitted periodically at such intervals as may be prescribed and shall also contain the rate of amount, if any, payable by the cable operator to any broadcaster.

Explanation.— For the purposes of this section,—

(a) "addressable system" means an electronic device or more than one electronic devices put in an integrated system through which signals of cable television network can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of authorisation made, on the choice and request of such subscriber, by the cable operator to the subscriber;

(b) "basic service tier" means a package of free-to-air channels provided by a cable operator, for a single price to the subscribers of the area in which his cable television network is providing service and such channels are receivable for viewing by the subscribers on the receiver set of a type existing immediately before the commencement of the Cable Television Networks (Regulation) Amendment Act, 2002 without any addressable system attached to such receiver set in any manner;

(c) "channel" means a set of frequencies used for transmission of a programme;

(d) "encrypted", in respect of a signal of cable television network, means the changing of such signal in a systematic way so that the signal would be unintelligible without a suitable receiving equipment and the expression "unencrypted" shall be construed accordingly;

(e) "free-to-air-channel", in respect of a cable television network, means a channel, the reception of which would not require the use of any addressable system, to be attached with the receiver set of a subscriber;

(f) "pay channel", in respect of a cable television network, means a channel, the reception of which by the subscriber would require the use of an addressable system, to be attached to his receiver set.'

3. *Amendment of section 9.*— In section 9 of the principal Act, the following proviso shall be inserted, namely:—

"Provided that the equipment required for the purposes of section 4A shall be installed by cable operator in his cable television network within six months from the date, specified in the notification issued under sub-section (1), of that section, in accordance with the provisions of the said Act for said purposes."

4. *Amendment of section 11.*— In section 11 of the principal Act, in sub-section (1), for the word and figure "sections 3", the word, figures and letter "section 3, 4A," shall be substituted.

5. *Amendment of section 16.*— Section 16 of the principal Act shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the contravention of section 4A shall be a cognizable offence under this section."

6. *Amendment of section 22.*— In section 22 of the principal Act, in sub-section (2), after clause (a), the following clauses shall be inserted, namely:—

"(aa) the manner of publicising the subscription rates and the periodical intervals at which such subscriptions are payable under sub-section (7) of section 4A.

(aaa) the form and manner of submitting report under sub-section (9) of section 4A and the interval at which such report shall be submitted periodically under that sub-section;"

Notification

10/3/2003-LA

The Indian Evidence (Amendment) Act, 2002 (Central Act No. 4 of 2003), which has been passed by the Parliament and assented to by the President of India on 31-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 1-1-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE INDIAN EVIDENCE (AMENDMENT) ACT, 2002

AN

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further to amend the Indian Evidence Act, 1872.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Indian Evidence (Amendment) Act, 2002.

2. *Amendment of section 146.*— In section 146 of the Indian Evidence Act, 1872 (hereinafter referred to as the principal Act), after clause (3), the following proviso shall be inserted, namely:—

"Provided that in a prosecution for rape or attempt to commit rape, it shall not be permissible to put questions in the cross-examination of the prosecutrix as to her general immoral character."

3. *Amendment of section 155.*— In section 155 of the principal Act, clause (4) shall be omitted.

Law (Establishment) Division

Corrigendum

LS/10/2001/Part-II

Read: Order No. LS/10/2001/Part-II dated 12-3-2003.

The last paragraph of the order cited above, shall be substituted and read as under:—

The expenditure in respect of two Fast Track Courts out of 3 cited above is debitable to Budget Head "2014—Administration of Justice, 800—Other Expenditure, 01—Establishment of Fast Track Court, South Goa (Plan), 01—Salaries, 03—Wages, 05—Travel Expenses, 07—Office Expenses, 14—Professional & Special Services, 22—Other Charges" under Demand No. 04.

The expenditure in respect of one Fast Track Court out of 3 cited above is debitable to Budget Head "2014—Administration of Justice, 800—Other Expenditure, 01—Establishment of Fast Track Court, North Goa (Plan), 01—Salaries, 03—Wages, 05—Travel Expenses, 07—Office Expenses, 14—Professional & Special Services, 22—Other Charges" under Demand No. 03.

Mario da Silva, Under Secretary (Law).

Panaji, 25th February, 2004.

Department of Personnel

Corrigendum

1/27/87-PER (Pt. II)

In the Schedule attached to the Notification of even number dated 2-5-2002 published in the Official Gazette, Series I, No. 7 dated 16-5-2002, the existing entry in Column 4 may be substituted to read as "Rs. 10,000-325-15,200".

By order and in the name of the Governor of Goa.

Vikas Mardolkar, Under Secretary (Personnel).

Panaji, 18th February, 2004.

Department of Public Assistance (Provedoria)

Institute of Public Assistance (Provedoria)

Notification

6-1/2004/IPA/2865

In exercise of the powers conferred by article 15 of the Legislative Diploma No. 1984 dated 14-4-1960, the Government of Goa is hereby pleased to make the following rules so as to further amend the Goa Scheme for Immediate Relief Rules, 1997, as follows:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Scheme for Immediate Relief (Second Amendment) Rules, 2004.

(2) (i) Amendment to rule 6(b) and 8(1) shall be deemed to have come into force with effect from 7-1-2002.

(ii) Amendment to rule 6(f) shall be deemed to have come into force with effect from 7-11-2002; and

(iii) New rules 5(1)(h), 6(h) and amendment to rule 5(2)(a) shall come into force with immediate effect.

2. *Amendment of rule 5.*— In rule 5 of the Goa Scheme for Immediate Relief Rules, 1997 (hereinafter referred to as the "Principal Rules"),—

(i) in sub-rule (1), after clause (g) the following clause shall be inserted, namely:—

"(h) A person who is eligible for medical assistance under these rules needs prolonged/life long treatment and constant medication as prescribed by Authorised Medical Officers of a Government Hospital shall be provided medicines beyond the ceiling of Rs. 15,000/- upto maximum of Rs. 30,000/- per annum, provided that the authorized Medical Officer of the above mentioned Hospitals certifies indicating the nature and name of disease, that discontinuation of medication shall endanger his/her life and that he/she needs medication for a further period of days/ months/years";

(ii) in sub rule (2), in clause (a), for the letters and figures "Rs. 11,000/-", the letters and figures "Rs. 21,000/-" shall be substituted.

3. *Amendment of rule 6.*— In rule 6 of the Principal Rules,—

(i) in clause (b), for the letters and figures "Rs. 5,000/-", the letters and figures "Rs. 10,000/-", shall be substituted;

(ii) in clause (f), for the letters and figures "Rs. 500/-", the letters and figures "Rs. 1000/-", shall be substituted;

(iii) after clause (g), the following clause shall be inserted, namely:—

"(h) Under clause (h) of sub rule (1) of rule 5..... Rs. 30,000/- per annum".

4. *Amendment of rule 8.*— In rule 8 of the Principal Rules, in sub-rule (1), for the letters and figures Rs. "3,000/-" wherever they occur, the letters figures and words "Rs. 5,000/- per annum" shall be substituted.

By order and in the name of the Governor of Goa.

Arvind Ray, Secretary (Provedoria).

Panaji, 16th February, 2004.

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Department of Science and Technology

Notification

LS/MISC/1915/96/Part II/1166

Read: (1) Directions No. LS/MISC/1915/96/Part I/589 dated 31-7-2002.

(2) Notification No. LS/MISC/1915/96/Part I/1131 dated 8-1-2003.

In exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986), read with Government Notification No. S. O. 881 (E) dated 22-9-1988, issued by the Government of India, Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) and published in the Gazette of India, Extraordinary, Part II, section 3(ii) dated 22-9-1988, the Government of Goa, hereby amends the

Government's Directions No. LS/MISC/1915/96/Part I /589 dated 31st July, 2002 published in the Official Gazette, Series I No. 21, dated 22nd August, 2002, as follows:—

In the said Directions,—

(1) for clause 2, the following shall be substituted, namely:—

"2. The Director of Tourism, Department of Tourism, Panaji; the Municipal Commissioner, Corporation of the City of Panaji, Panaji; the Chief Conservator of Forests, Forest Department, Panaji; the Chief Officer, Mormugao Municipal Council, Vasco-da-Gama; the Registrar, Goa University, Taleigao; and the Secretary, State Legislative Assembly, Alto-Porvorim, are hereby directed to prohibit the carrying, use and sale of non-biodegradable PET bottles and plastic carry bags in the following localities."

- (a) Miramar beach stretching from Goa Marriott Resort (Panaji) to Aivao Village (Caranzalem).
- (b) Dona Paula Jetty area on the Western side of the NCC (Naval) Training Centre;
- (c) The roads connecting the National Institute of Oceanography Circle to the Raj Bhavan and to the Gaspar Dias Circle (Miramar).
- (d) Tourism Jetty, near Mandovi Bridge, Patto, Panaji.
- (e) All gardens and parks in the City of Panaji.
- (f) Within the Municipal limits of Mormugao Municipal Council.
- (g) In the Carambolim lake area in Karmali Village (Tiswadi), including a belt of 25 meters from the high water mark around the lake.

(h) In the Mayem lake area including the Mayem Lake Resort and a belt of 25 meters from the high water mark around the lake.

(i) Within the limits of the Complexes of the State Legislative Assembly and the New Secretariat at Alto-Porvorim.

(j) Within the limits of the Goa University campus in Taleigao Village."

(2) For clause 5, the following shall be substituted, namely:—

"5. The Chief Conservator of Forests, Panaji; the Director of Tourism, Panaji; the Municipal Commissioner, Corporation of the City of Panaji, Panaji; the Secretary, State Legislative Assembly, Alto-Porvorim; the Chief Officer, Mormugao Municipal Council, Vasco-da-Gama; the Registrar, Goa University, Taleigao; the Secretaries of the Village Panchayats of Old Goa, Karmali and Mayem; the Officers-in-Charge of Panaji, Old Goa, Alto-Porvorim and Bicholim Police Stations; and the respective officials authorised by the said authorities shall impose a fine to the maximum extent of rupees fifty on any person violating the prohibition as aforesaid."

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary (STE).

Panaji, 23rd February, 2004.